

## LABOUR DEPARTMENT

The 29th January, 1987

No. 9/6/86-6/Lab./11300.—In pursuance of the provision of section 17 of the Industrial Disputes Act, 1947 (Central Act No. XIV of 1947), the Governor of Haryana is pleased to publish the following award of Presiding Officer, Labour Court, Ambala, in respect of the dispute between the workman and the Management of M/s (i) Managing Director, H. S. M. I. T. C., Chandigarh; (ii) Executive Engineer, H. S. M. I. T. C., Ambala City.

IN THE COURT OF SHRI V. P. CHAUDHARY, PRESIDING OFFICER, LABOUR COURT,  
• AMBALA

Ref. No. 106 of 1985

SHRI YASH PAUL, WORKMAN, C/O DR. SURINDER KUMAR SHARMA, INTUC OFFICE,  
RAILWAY ROAD, JAGADHRI AND THE MANAGEMENT OF THE MESSRS MANAGING  
DIRECTOR, H. S. M. I. T. C., CHANDIGARH; (II) EXECUTIVE ENGINEER, H. S. M. I. T. C.,  
AMBALA CITY

**Present—**

None for workman.

Shri Bhagat Singh, for respondent.

**AWARD**

The Hon'ble Governor of Haryana in the exercise of its powers conferred,—*vide* clause (c) of sub-section (i) of section 10 of Industrial Disputes Act, 1947, referred dispute between Shri Yash Paul, workman and Messrs H. S. M. I. T. C., etc. to this Court. The terms of the reference are as under:—

“Whether termination of services of workman Yash Paul is just and correct? If not, to what relief is he entitled?”

Workman through his demand notice and statement of claim alleged that he was employed in the service of respondent management and thus served the respondent for four years. On 24th September, 1984, his services were terminated in violation of section 25(F) of Industrial Disputes Act, 1947. He prayed for his reinstatement with continuity in service and with full back wages.

Respondent management contested the dispute and contended that the reference is bad in law and is liable to be dismissed for non-joinder and misjoinder of proper parties. The action of the respondent is in order and lawful. Labour Court has got no jurisdiction to try this dispute. Shri Yash Paul is not covered under the definition of a workman. No permission of the Government was required before dispensing with services of the workman.

On the pleadings of the parties issues were framed. Case was fixed for workman evidence but neither workman nor his authorised representative appeared. Shri Surinder Sharma, authorised representative of the workman, is moving in the corridor of the Court he is not responding the call while Shri Bhagat Singh is present for the respondent. Hence the reference is decided against the workman in the absence of any evidence.

V. P. CHAUDHARY,

Presiding Officer,

Labour Court, Ambala.

Dated 13th November, 1986.

Endst. No. 3081, dated 14th November, 1986.

Forwarded (four copies) to the Financial Commissioner and Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of Industrial Disputes Act, 1947.

V. P. CHAUDHARY,

Presiding Officer,

Labour Court, Ambala.